

A person in one of the positions listed in this section is a law enforcement officer regardless of rank or status as a probationary or permanent employee.

### **Establishing LEOFF Membership—Fire Fighters**

All persons who meet the definition of “fire fighter” under RCW 41.26.030(4) are mandated into LEOFF membership (except for persons initially hired on or after August 1, 1971, and before July 1, 1979, who did not meet the minimum medical and health standards). Generally, fire fighter means any person who is serving on a full-time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter. Supervisory fire fighter personnel qualify as fire fighters. Whether a person qualifies as a fire fighter depends upon who the employer is and the nature of the position. This section contains, in most cases, the information you need to determine whether a person qualifies as a fire fighter under LEOFF.

#### **Is the person employed by a fire department of a LEOFF employer?**

In order to qualify as a fire fighter the person must be employed by the fire department of a LEOFF employer. The definition of “employer” for LEOFF varies between Plan 1 and Plan 2.

Plan 1 “Employer” for Plan 1 members includes any city, town, county, district or municipal corporation that employs any fire fighter.  
[RCW 41.26.030(2)(a)]

Plan 2 “Employer” for Plan 2 members includes any city, town, county, district, municipal corporation or Washington State University. (A four-year institution of higher education that has a fully operational fire department as of January 1, 1996.)

#### **Is the person a full-time, fully compensated employee?**

In order to qualify as a fire fighter, an employee of a LEOFF employer must be full-time and fully compensated as a uniformed fire fighter.

- “Full-time” means regularly scheduled to earn basic salary from an employer for a minimum of 160 hours each calendar month.

**Note:** An employee does not have to work 160 hours during a month to be considered full-time during that month, provided that the person is regularly scheduled to work 160 hours each month. [WAC 415-104-0114]

- “Fully compensated” means the employee earns basic salary *and* benefits from an employer in an amount comparable to the salary received by other full-time employees who hold the same or similar rank in a similar position. Volunteer fire fighters or resident volunteer fire fighters are not fully compensated personnel and do not qualify for LEOFF membership. [WAC 415-104-0115 and WAC 415-104-225 (2)(e)]

**Is the person a uniformed fire fighter performing fire protection activities?**

Whether a person qualifies as a fire fighter is primarily a function of the person’s duties. The following information will help you analyze whether the person’s duties qualify him or her as a fire fighter.

- A person is a fire fighter if he or she is employed in a uniformed fire fighter position by an employer on a full-time, fully compensated basis, and as a consequence of employment, has the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling or extinguishing fires. [WAC 415-104-225(2)]
  - “Uniformed fire fighter position” means a position which may only be filled by uniformed personnel as that term is defined in RCW 41.56.030(7)(e) as in effect on July 1, 1995. A position only qualifies as a uniformed fire fighter if the employer has identified it as such for all purposes. An employer may designate a position as uniformed regardless of whether the employer is covered by public employees’ collective bargaining under chapter 41.56.RCW. [WAC 415-04-025]
  - “Fire protection activities” may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills and inspecting homes and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of the position is preventing, controlling or extinguishing fires. [WAC 415-104-225(2)(a)]